

G. R. S. IX-5]

Preserve

Previous references.

Cts 6-18 sls 1+2

File No. 6-18

1918-19.

Serial No. 3.

(Courts)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial No. 3.

Part B for October, 1918.

SUBJECT.

*Appeal against the order of acquittal of
the District Magistrate of Chituldroog in
Crl Appeal no 20 of 1917 on the file of his Court.*

sls 3.

Fr.

The Govt Advocate

no 61 dated 20.9.18.

*States that the Appeal was
allowed with the result that the acquittal
was set aside & the accused ~~again~~
convicted & sentenced to pay a fine
of Rs 5/- in default to undergo 3-5 days
5 days.*

W D 88-GPB-50,000-24-7-18

BCS 12/11/18

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 6-18

FILE HEADING.

Appeal against the order of acquittal of
the ~~Det.~~ Magistrate of Chitaldang in civil
appeal no. 20 of 1917 on the file of his Court.

From

The Court Advocate.

No. 61

Dated

20. 9. 1918

Received 23. 9. 1918

Diary No. 4537

Enclos. 1

Spare Copies.

Serial No. 3

BRIEF ABSTRACT OF LETTER.

Forwards copy of judgement in civil
appeal no. 16 of 1918 on the file of the Chief
Court filed by him against the order of
acquittal by the ~~Det.~~ Magistrate, Chitaldang.

NOTES AND ORDERS.

1) Sent for perusal

SG

26/9

First Member

26/9

SG

10/10

2) See

11/10

11/12/10

3) 74 SG 14/10

NOTES—First Sheet.

CHIEF SECRETARY
23 SEP 1918
No. 61

Encl-1

ch

CHIEF SECRETARY
23 SEP 1918

4537

13-18
SECTION 15

Office of the Government Advocate in Mysore,

Bangalore Dated 23rd September 1918.

The Government Advocate in Mysore,
Bangalore.

To

The Chief Secretary to the Government of His Highness
the Maharaja of Mysore, Bangalore.

S I R,

In forwarding herewith copy of Judgment in Criminal Appeal
No. 16 of 1918-19 (Government of Mysore Vs. Thirumalappa) on -
the file of the Chief Court of Mysore filed by me against the
order of acquittal passed by the District Magistrate of Chital-
droog in Criminal Appeal No. 20 of 17-18 on his file, I have -
the honor to state that the Appeal was allowed with the result
that the acquittal was set aside and the accused convicted and
sentenced to pay a fine of Rs. 5/-, in default to undergo --
simple imprisonment for five days.

I have the honor to be,

S I R,

Your most obedient servant,

Kodurawannu

Government Advocate.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Friday, the 16th day of August 1918.

P R E S E N T.

SIR LESLIE C. MILLER., Kt., CHIEF JUDGE,

and

MR. JUSTICE T. PARAMASIVA IYER.

Criminal Appeal No.16 of 1918-19.
(Criminal Revision Case No.23 of 1917-1918).

The Government of Mysore Complainant APPELLANT.

(By Mr. C.S.Doraswamy Iyer, the Government Advocate).

Vs.

Thirumalappa Accused RESPONDENT.

(By Mr. C.Krishna Murthy)..

Criminal Appeal against the order of acquittal passed by the District Magistrate of Chitaldrug (Mr. M. Zahiruddin Meccai) in Criminal Appeal No.20 of 1917-18 setting aside the conviction and sentence passed by the Amildar and Second Class Magistrate of the Davengere Taluk (Mr. K. Narayana Iyer) in Criminal Case No.41 of 1917-18.

This appeal coming on for hearing this day, the Court delivered the following:--

J U D G M E N T.

The facts found are that the accused in a fit of anger because in spite of a vow made by him to make an offering to the goddess Kariamamma if his daughter should recover
from

from an illness, the daughter did not recover but died, defiled the image of the goddess to whom the vow was made by spitting upon it and throwing a stone at it in the presence of several persons who were worshippers of the same goddess.

The District Magistrate has acquitted him of the offence charged against him under section 295 of the Penal Code, on the ground that the facts do not shew an intention to insult the religion of any class of persons.

We do not agree with this view. The object of the accused was to express his contempt for the deity in a particularly insulting manner, and so to insult the religion of the worshippers of that deity; but even if it can be said that he had no intention of insulting the religion of his co-worshippers of that goddess, he must certainly have known that they would be likely to regard his act as an insult to their religion, and if so he is guilty under section 295.

We set aside the acquittal convict the accused and sentence him to pay a fine of Rupees five with five days simple imprisonment in default, which is the sentence imposed by the second class magistrate.

(SD) LESLIE C. MILLER,
Chief Judge.

(SD) T. PARAMASIVA IYER,
J u d g e.

"C O P Y"

S. Venkataswamy Iyer

DY: REGISTRAR.

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